



UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/671,640
Applicant : GLENN, Bradley J.
Filed : 09/26/2003
TC/A.U. : 3733
Examiner : PHILOGENE, Pedro

Docket No. : 3121.001

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §1.131

I, Bradley P. Heisler, declare as follows:

1. I am the attorney of record for the above-identified application and was the registered patent attorney (Reg. No. 35,892) who prepared and filed the above-identified patent application and the parent patent application of which this application is a continuation.

2. On October 12, 2000 I first met with Dr. Brad Glenn and Dr. Gary Schneiderman. At this meeting they showed me a prototype made of balsa wood and shown in Exhibits C, D and E.

3. From this prototype and the inventors' explanation of how it would be manipulated, as well as descriptions of numerous modified embodiments thereof, I was able to draft the patent application which was the parent of the above-identified patent application.

4. I kept the second prototype in my possession and exclusive custody from October 12, 2000 until the date of this declaration.

5. On September 25, 2008 I took the photographs shown in Exhibits C, D and E from the prototype still in storage at my office.

6. Following this initial consultation with Drs. Glenn and Schneiderman, and during the month of October 2000, a patentability search was conducted and a patentability opinion provided. In response to this patentability opinion, Drs. Glenn and Schneiderman requested that I prepare a patent application directed to this method and apparatus of this invention.

7. A legal services agreement was executed between myself and Drs. Glenn and Schneiderman on November 2, 2000 for preparation of the parent patent application.

8. Payment was made for this parent patent application on December 5, 2000.

9. On December 14, 2000 I gave instructions to my draftsman for preparation of the drawings of the parent patent application of which this application is a continuation. As there were numerous separate embodiments of the basic invention, the drawing figures took some time to prepare and perfect, with the drawing figures put into draft form and sent to the client on January 17, 2001.

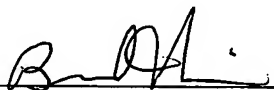
10. The drawings were subsequently approved and the text of the parent application was prepared during the remainder of January 2001 and February 2001. A draft of the text was sent along with the drawings to the client for review and approval on March 2, 2001. After final changes were received from the client and final payment, the parent patent application was filed on March 27, 2001.

11. At no time from my first meeting with Drs. Glenn and Schneiderman on October 12, 2000 until filing of the patent application on March 27, 2001 did any communication come to me from Drs. Glenn or Schneiderman that they wished to suspend, abandon or otherwise fail to pursue patent protection in any manner other than with diligence.

12. From the time that I received instructions from the client to proceed with the preparation of this patent application, I always pursued the various stages of preparation and approval of the patent application in the ordinary course of business of my practice, sequencing the preparation of this patent application chronologically with other patent applications being prepared by my office at the same time.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted:



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12-17-08
Date